

ZB# 76-6

Gordon Carpet Mill

(no S-B-L given)

Public Hearing
Apr. 26th - 8 p.m.
OCPD informed

4/20/76 ✓

all fees paid
& sent to T.C.

GENERAL RECEIPT

2782

Town of New Windsor, N. Y.

April 20, 1976

Received of Gordon Carpet Warehouse Outlet \$ 25.00

Twenty Five and 00/100 Dollars

For Variance Application Fee # 76-6

DISTRIBUTION

FUND	CODE	AMOUNT
25.00	Check # 2497	

BY Charlotte Marandon
Deputy
TITLE



Variance granted
4/26/76.
Patricia Rozovsky.

Gordon Carpets -

561-5100

ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
GORDON CARPET OUTLET.

DECISION GRANTING
SIGN AREA VARIANCE.

-----X
WHEREAS ROBERT GORDON of GORDON CARPET OUTLET, located at 294 Windsor Highway, New Windsor, New York has made application for a variance from the provisions of New Windsor Local Law, Section 3.2 of the Table of Use Regulations, Column D, to permit variance on a sign; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, New York on the 26th day of April, 1976 after due publication in The Evening News and due notices to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS the tenant of the building known as "Gordon Carpet Outlet" having appeared at the public hearing and the owner of the building, one John Coakley, having submitted a letter of approval dated April 9, 1976 to permit the proposed sign, and no opposition having appeared;

NOW THEREFORE the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The sign presently on hand from applicant's other location is valued at \$6,000 and is in good taste and not offensive to the area.
2. The sign is needed for visibility since the building is located far back from the highway.
3. Applicant agrees to remove present sign on the building and also agrees to remove free-standing sign in front of the building, and not to emplace the free-standing sign. The only sign applicant will have is proposed new sign on the building. All other indications of the business such as a parked car or trailer with either a sign or carpet on it in front of the building will be prohibited.

3. The variance is for 77 square ft. area variance for the building sign which is not inconsistent with other signs located in a C zone.

The Zoning Board of Appeals of the Town of New Windsor makes the following determinations of law in this matter:

1. The variance sought is not substantial in relation to the allowed sign size in the C zone under the Zoning Local Law; and

2. The affect of the variance if allowed on the population and available government facilities would be nil; and

3. No substantial change in the character of the neighborhood would result nor would there be a substantial detriment to the adjoining properties.

4. The difficulty with respect to advertising of the business cannot be obviated by some other method feasible for the applicant to pursue, other than a variance.

5. The interests of justice would be served by allowing the variance.

AND THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor determines that the applicant meets the practical difficulty test for a zoning variance under the New York State Law and the Zoning Board of Appeals awards the variance as sought, with the contingency that the applicant remove the present free-standing sign in front of the building and replace the present sign on the building with the proposed new sign.

BE IT FURTHER RESOLVED that a copy of the decision be forwarded to the applicant, Town Clerk and the Town Planning Board.

Dated: May 24, 1976.


THEODORE JAROSLOFF, Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

76-6
(Number)

3/8/76
(Date)

I. Applicant information:

- (a) Robert Gordon.
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C _____
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? _____
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? _____ When? _____
- (f) Has property been subject of variance or special permit previously? _____ When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? _____. If so, when _____.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail.

76-6
(Number)

3/8/76
(Date)

I. Applicant information:

- (a) Robert Gordon.
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C _____
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? _____
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? _____ When? _____
- (f) Has property been subject of variance or special permit previously? _____ When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? _____. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. _____

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow _____

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** For residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>80 sq. ft.</u>	<u>157.5 ft.</u>	<u>77.5 ft.</u>
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Sign presently on hand from other location.
Valued at \$6000. Building set off
Route 30 and sign needed for visibility.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Proposed 157.5 feet.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>80 sq. ft.</u>	<u>157.5 ft.</u>	<u>77.5 ft.</u>
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Sign presently on land from other location.
Valued at \$6,000. Building set off
Route 30 and sign needed for visibility.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Proposed 157.5 feet.



VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant has road sign which he will be willing to remove if the variance is granted.

Applicant agrees to remove present sign on building; not replace free standing sign; remove present free standing sign; no truck or trailer with either sign or carpet on it in front of building.

4/26/76



IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$25.00 payable to Town of New Windsor.
- ☒ Check in the amount of \$25.00 payable to Secretary for taking public hearing.
- ☒ Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant has road sign which he will be willing to remove if the variance is granted.

Applicant agrees to remove present sign on building; not replace free standing sign; ^{remove present free standing sign;} not park car or trailer with either sign or carport on it in front of building.

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 25. payable to Town of New Windsor.
- ☒ Check in the amount of \$ 25. payable to Secretary for taking public hearing.
- ☒ Photos of existing premises which show all present signs and landscaping.
- ☒ All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)

Sworn to before me this

_____ day of _____, 1975.

XI. ZBA Action:

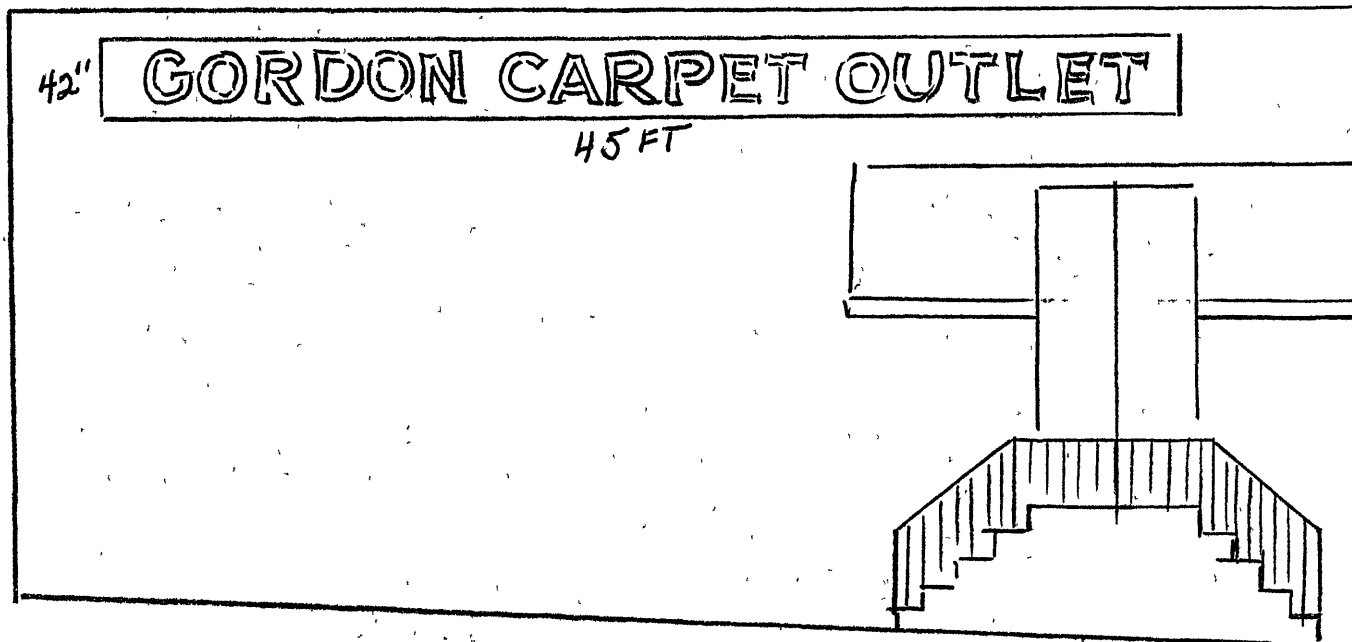
(a) Public Hearing date _____

(b) Variance is _____

(c) Special Permit is _____

(d) Conditions and safeguards _____

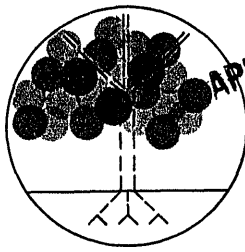
A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.



Sign is internally illuminated. 800M A. lamps & ballasts
All lettering is White
Background is Red.
Sign box is White tone coat Aluminum.

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



124 Main Street
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

April 28, 1976

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
c/o Patricia Razansky, Secretary
Town Hall
New Windsor, New York 12550

Re: Variance - Gordon Carpet
Route 32

Dear Mr. Jargstorf:

We are in receipt of the above-submitted to us in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final determination by the Zoning Board.

Very truly yours,

Peter Garrison
Peter Garrison
Commissioner of Planning

PG/jm

J. C. MOTORS, INC.



300 WINDSOR HIGHWAY, ROUTE 32 NEWBURGH, NEW YORK 12550 TELEPHONE 914 -565-3100

VOLKSWAGEN

April 9, 1976

Dear Bob,

I have read the variance permit for a sign to be put on the building you rent from me.

You have my approval to put the sign on the building, Gordon Carpet Outlet, but I can not be there at the board meeting due to poor health at this time.

Sincerely,

John W. Coakley
John W Coakley ,Pres.
J C Motors Inc



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

April 12, 1976

Mr. John Coakley
18 Park Hill Drive
New Windsor, New York 12550

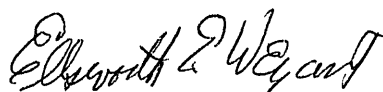
RE: Gordon Carpets
Route 32 New Windsor, New York

Dear Mr. Coakley:

According to my records, the attached list of property owners are within 500 feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Lander, Francis A. & Clara A. ✓
278 Windsor Highway
New Windsor, New York 12550

Osterhout, Edward & Gilbert ✓
Box 251
Vails Gate, New York 12584

Notartomaso, Peter A. & Mary ✓
279 Windsor Highway
New Windsor, New York 12550

Cavalari, Alfred F. & Agnes E. ✓
RD#2 Bethlehem Road
New Windsor, New York 12550

Primavera, Lucy ✓
287 Windsor Highway
New Windsor, New York 12550

Balmville Est. Inc. ✓
Highland Avenue
Maybrook, New York 12543

Friedman, Alfred ✓
172-17 Hillside Avenue
Jamaica, New York 11432

C&F Company, Inc. ✓
300 Windsor Highway
New Windsor, New York 12550

Lasini, Paul ✓
306 Windsor Highway
New Windsor, New York 12550

Carmax Associates ✓
C/O Barry Kingsley
51 Simpson Drive
Old Bethpage, New York 11804

Foti Florists Inc. ✓
11 Coach Lane
Newburgh, New York 12550

Marino, Theodore & Anne ✓
293 Windsor Highway
New Windsor, New York 12550

San Giacomo, William & Louis ✓
RD#4 Forge Hill Road
New Windsor, New York 12550

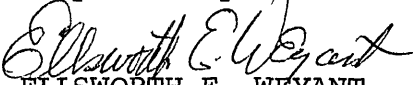
Gorton, Thomas E. & Gladys P. ✓
297 Windsor Highway
New Windsor, New York 12550

Hecht, Gerald S. & Helaine J. ✓
25 Ona Lane
New Windsor, New York 12550

Mc Keon, Frank & Alma ✓
301 Windsor Highway
New Windsor, New York 12550

Lander, Augustus F. ✓
C/O Lander's Flower Shop
303 Windsor Highway
New Windsor, New York 12550

Respectfully submitted,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19... ..
Approved.....19.....
Disapproved a/c... ..
Permit No.....

Office of Building Inspector
HOWARD COLLETT, Building Inspector
Town Hall, 555 Union Avenue
New Windsor, N. Y. 12550
Telephone 565-8808

Refer —
Planning Board
Highway
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date..MARCH 8.....1976...

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances and regulations.

(Signature of Applicant)

(Address of Applicant)

Name of Owner of Premises JOHN COAKLEY
Address NEW WINDSOR NY Phone No.....
Name of Architect
Address..... Phone No.....
Name of Contractor
Address Phone No.....
State whether applicant is owner, lessee, agent, architect, engineer or builder:.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. Location of land on which proposed work will be done 294 WINDSOR HCHY NEW WINDSOR NY
2. Zone or use district in which premises are situated
3. Does proposed construction violate any zoning law, ordinance or regulation?.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy RETAIL CARPET b. Intended use and occupancy RETAIL CARPET
5. Nature of work (check which applicable): New Building..... Addition..... Alteration.....
Repair..... Removal..... Demolition..... Other ☒
6. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating plant: Gas..... Oil..... Electric..... /Hot Air..... Hot Water.....
If garage, number of cars.....
7. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
RETAIL CARPET
8. Estimated cost Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

9. Size of lot: Front Rear Depth Front Yard
Rear Yard Side Yard Is this a corner lot?
10. Dimensions of existing structures, if any: Front 90° Rear 90°
Depth 60° Height $APPRX 20^{\circ}$ Number of Stories 1
11. Dimensions of same structure with alterations or additions: Front $SAME$ Rear
Depth Height Number of Stories
12. Dimensions of entire new construction: Front Rear
Depth Height Number of Stories
13. Name of Compensation Insurance Carrier
Number of Policy Date of Expiration
14. Will electrical work be inspected by, and a Certificate of Approval obtained from, the New York Board
of Fire Underwriters or other agency or organization?
If so specify.....
15. IMPORTANT: Do not pour footings until the location of building on lot, and soil has been inspected.
16. Before a Certificate of Occupancy can be issued, a certified survey must be filed. (May be waived.)
17. Walls not to be lathed until Department inspection is made.
18. Defer backfilling until waterproofing of foundation is approved by Department.

PLOT PLAN

April 19, 1976

Mr. Henry Van Leeuwen, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS SCHEDULED FOR APRIL 26, 1976

Dear Hank:

Kindly be advised that the following public hearings will be held on Monday evening, April 26, 1976 at the Town Hall before the Zoning Board of Appeals:

#76-6 - Gordon Carpet Outlet at 8 p.m.

#76-10 - Jane & Charles Thompson at 8:15 p.m.

#76-11 - Robert & Vincent Biagini at 8:30 p.m.

I have enclosed herewith copies of the above applications together with a copy of each public hearing notice which appeared in The Evening News on April 17, 1976.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosures

cc: Howard G. Hett

PUBLIC NOTICE OF HEARING BEFORE

THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 6

Request of JOHN COAKLEY and ROBERT GORDON, d/b/a GORDON CARPET OUTLET
for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
over-sized sign on building

being a Variance ~~Special Use Permit~~ of
Section 3.2 - Table of Use Regulations,
for property situated at: No. 294 Windsor Highway,
New Windsor, N. Y.

SAID HEARING will take place on the 26th day of April, 1976,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8 o'clock P. M.

THEODORE JARGSTORFF
Chairman